

DOCKET FILE COPY ORIGINAL

RECEIVED & INSPECTED

SEP 24 2003

FCC- MAILROOM

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Public Service Cellular, Inc.)

Petition for Designation as an)
Eligible Telecommunications Carrier)
in the State of Georgia)

CC Docket No. 96-45

FCC 97-419

FCC File No _____

To Chief, Wireline Competition Bureau

PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF GEORGIA

By Michael K. Kurtis
Jerome K. Blask

Kurtis & Associates, P.C.
1000 Potomac Avenue, N.W.
Suite 200
Washington, D.C. 20007

Its Attorneys

Dated September 23, 2003

No. of Copies rec'd
List A B C D E

0+1

TABLE OF CONTENTS

I	PSC's UNIVERSAL SERVICE OFFERINGS	2
II	THE AREAS FOR WHICH PSC SEEKS ETC DESIGNATION.....	3
III	PSC REQUESTS REDEFINITION OF THE AFFECTED RURAL LEC SERVICE AREA	5
IV	PSC SATISFIES ALL THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER .7	
	A. PSC is not Subject to the Jurisdiction of the Georgia Public Service Commission. 7	
	B. PSC Provides all Services Supported by the Federal High-Cost Universal Service Program	9
	C. PSC Will Provide the Supported Services Using its Own Facilities	14
	D. PSC will Advertise its Universal Service Offering.. . . .	14
	E. Designating PSC as an ETC will Advance the Public Interest	14
V.	HIGH COST CERTIFICATIONS	17
VI.	ANTI-DRUG ABUSE CERTIFICATION	17
VII	CONCLUSION	18

EXHIBITS

- Exhibit 1: Map of PSC's ETC Designated Service Areas in Georgia; List of 1 Wire Centers for which ETC Designation is Requested
- Exhibit 2: Letter dated August 6, 2003 from Robert B. Baker, Jr., Chairman, Georgia Public Service Commission
- Exhibit 3 Declaration of Donald E. Bond
- Exhibit 4 Anti-Drug Abuse Certification

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Public Service Cellular, Inc)

Petition For Designation as an)
Eligible Telecommunications Carrier)
in the State of Georgia)
_____)

CC Docket No 96-45
FCC 97-419

**PETITION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF GEORGIA**

Public Service Cellular, Inc. ("PSC"), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended ("Act"),¹ and the Federal Communications Commission's ("Commission" or "FCC") *Section 214(e)(6) Public Notice*² hereby petitions the Wireline Competition Bureau ("WCB") to designate PSC as an eligible telecommunications carrier ("ETC") (a) in those areas within its licensed service area in the State of Georgia served by *non-rural* telephone companies, BellSouth Telecommunications, Inc. ("BellSouth") and ALLTEL Georgia, Inc. ("ALLTEL"); and (b) in those areas within its licensed service area in Georgia served by PSC's commonly-owned, affiliate rural telephone company, Public Service

¹ 47 U.S.C. § 214(e)(6)

² Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice, 12 FCC Rcd 22497 (1997) ("*Section 214(e)(6) Public Notice*"), wherein the Commission delegated authority to the Wireline Competition Bureau to designate carriers as ETCs

Telephone Company The Georgia Public Service Commission lacks jurisdiction to grant the ETC designation requested herein, accordingly, the Commission has authority to consider this petition. As demonstrated below, PSC meets all statutory and regulatory requirements for ETC designation to serve Georgia customers, and designating PSC as an ETC will serve the public interest.

I. PSC's UNIVERSAL SERVICE OFFERINGS

PSC is a commercial mobile radio service ("CMRS") carrier, licensed by the Commission to provide personal communications services ("PCS") and cellular communication services. PSC provides analog and TDMA-based CMRS wireless service in Georgia pursuant to its cellular and PCS licenses for the following markets: Columbus, GA/AL MSA, Georgia RSAs 5, 6 and 9, and the Columbus, GA and the Anderson, SC BTAs.³ PSC intends to obtain high cost, universal service support to speed delivery of advanced wireless services to Georgia citizens. PSC's service offerings will be competitive with those offered by incumbent LECs, and PSC will offer a basic universal service package to subscribers eligible for Lifeline support.

PSC provides all of the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission's Rules, throughout its PCS and cellular service areas in Georgia. Upon ETC designation, PSC will make available to consumers a universal service offering over its existing PCS and cellular network infrastructure.

³ The Call Signs corresponding to PSC's licensed CMRS markets that include territory in Georgia are: KNKA415 – Columbus GA/AL MSA; KNKN934 -- GA RSA 5 (B2), KNKN872 -- GA RSA 6(B1), KNKN913 – GA RSA 6(B2), KNKN883 – GA RSA 6(B3), KNKN976 – GA RSA 9(B1), KNLH421 – Columbus, GA BTA; and KNLG210 – Anderson, SC BTA.

and spectrum, using the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities the company uses to serve its existing wireless customers

II. THE AREAS FOR WHICH PSC SEEKS ETC DESIGNATION

Section 214(e)(2) of the Act provides that ETC designations shall be made for a "service area" designated by the state commission. Section 214(e)(5) defines "service area" as a geographic area established by the state commission. Pursuant to Section 54.207 of the Commission's Rules, 47 C.F.R. § 54.207, a "service area" is a "geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms." For non-rural service areas, there are no restrictions on how a state commission defines the "service area" for purposes of designating a competitive ETC. Accordingly, PSC requests designation as an ETC in those areas within its FCC-licensed service area in Georgia served by *non-rural* telephone companies, BellSouth and ALLTEL.

In addition, PSC seeks ETC status in those areas within its licensed service area in Georgia served by PSC's commonly-owned, affiliate rural telephone company, Public Service Telephone Company ("PSTC"). PSC and PSTC are wholly-owned subsidiaries of the same corporate parent. PSC hereby requests that each PSTC wire center in which PSC intends to provide service, as shown on the map attached hereto as Exhibit 1, should be classified as a separate service area on a wire center by wire center basis.⁴ This approach comports with that

⁴ The PSTC wire centers in which PSC seeks designation as an ETC are listed in Exhibit 1 (p. 2) hereto. With two exceptions—*i.e.*, the Culloden and Lizella wire centers-- all PSTC wire centers are wholly-within PSC's FCC-licensed service area. Regarding Culloden and Lizella, PSC hereby requests (and the Exhibit 1 map depicts) ETC designation in that portion of each wire center where PSC is licensed by the FCC to provide service.

followed in ETC petitions (and amendments thereto) filed by Virginia Cellular, LLC and ALLTEL Communications, Inc.⁵

The non-rural and rural areas for which PSC requests ETC designation are shown in the Exhibit 1 map. Specifically, the ETC-designated areas are the yellow, red and beige, with hatched lines, on the map that correspond, respectively, to the BellSouth, ALLTEL and PSTC wire centers within PSC's licensed service area in Georgia. To the extent that PSC serves only a portion of one of these carriers' wire centers, PSC hereby requests (and the Exhibit 1 map depicts) ETC designation in that portion of the wire center where PSC provides service.⁶ Each of the wire centers for which PSC seeks ETC designation is listed separately in Exhibit 1.

In an area served by a rural telephone company, the FCC's rules define "service area" to mean the LEC study area unless a different definition of service area is established for such company.⁷ PSC proposes to serve only one rural LEC study area in Georgia, the study area of its commonly-owned affiliate PSTC (excluding the portions of two wire centers that are outside PSC's FCC-licensed service area). The Commission may designate PSC as an ETC in that rural LEC study area upon finding such designation will be in the public interest (*see* Section IV.E., *infra*).

⁵ The Virginia Cellular LLC petition was filed April 26, 2003, the ALLTEL petition was filed April 14, 2003.

⁶ The solid gray line in the Exhibit 1 map depicts the boundary of PSC's composite PCS and cellular service territories, as licensed by the Commission.

⁷ *See*, 47 C.F.R. §54.207(b)

III. PSC REQUESTS REDEFINITION OF THE AFFECTED RURAL LEC SERVICE AREA

As previously stated (*see* text at note 4, *supra*), the rural telephone company wire centers of PSTC (PSC's commonly-owned affiliate) for which PSC hereby seeks ETC designation are wholly-within PSC's FCC licensed service area, with two exceptions: the Culloden and Lizella wire centers. Regarding these two wire centers, PSC requests (and the Exhibit I map depicts) ETC designation in that portion of each wire center where PSC is licensed to provide service. Thus, the area requested by PSC for ETC designation only partially covers PSTC's study area. Therefore, the FCC must make a determination under 47 C.F.R. § 54.207 as to whether PSC's designated ETC service area may differ from PSTC's study area boundary. Pursuant to Section 54.207 (c)(1) of the Commission's Rules, a petition to define a rural LEC service area must contain "an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company."

In the *Recommended Decision*, which laid the foundation for the FCC's *First Report and Order*, the Federal-State Joint Board ("Joint Board") enumerated three factors to be considered when redefining a rural service area.⁸ First, the Joint Board advised the state commission to consider whether the competitive carrier is attempting to "cream-skim" by proposing to serve only the lowest cost exchanges. As a wireless carrier, PSC is restricted to providing service in its FCC-licensed areas. Thus, the contours of PSC's proposed ETC designated area are dictated by its FCC license, rather than any "cream-skimming" strategy it

⁸ Federal-State Joint Board on Universal Service, CC Docket 96-45, Recommended Decision, 12 FCC Rcd 87, 324 (1996) ("*Recommended Decision*")

is allegedly attempting to implement. Moreover, any attempt to cream-skim in this situation will be completely self-defeating because the victim will be PSTC, PSC's commonly-owned, rural telephone company affiliate

Second, the Joint Board urged the Commission to consider the rural carrier's special status under the Telecommunications Act of 1996.⁹ In deciding whether to award ETC status to PSC, the Commission will weigh numerous factors to determine how the public interest is affected by an award of ETC status pursuant to 47 U.S.C. § 214(e)(2). Congress mandated this public-interest analysis in order to protect the special status of rural carriers in the same way it established special considerations for rural carriers with regard to interconnection, unbundling, and resale requirements.¹⁰ Accordingly, if the Commission finds that granting ETC designation to PSC is in the public interest, it will have first duly recognized PSTC's special status for purposes of determining whether PSC's service area designation should be adopted for federal universal service funding purposes. No action in this proceeding will affect or prejudice any future action this Commission or the Georgia PSC may take with respect to PSTC's status as a rural telephone company.

Finally, the Joint Board recommended that the FCC consider the administrative burden a rural LEC may face by calculating its costs on a basis other than its entire study area.¹¹ In the instant case, PSC's request to define its service area along boundaries that differ from PSTC's study area boundaries is made solely for ETC designation purposes. Redefining PSTC's service area in this manner has no impact on how PSTC calculates its costs, but is solely to determine the geographic area in which PSC will be designated an

⁹ *Id.* at para 173

¹⁰ *Id.*

¹¹ *Id.* at para 174

ETC. Defining PSC's service area as proposed in this Petition will impose no additional burdens on PSTC or any other rural LEC. Accordingly, PSC respectfully requests that the FCC designate it as an ETC throughout the proposed ETC service area as shown on the map attached as Exhibit 1 hereto

IV. PSC SATISFIES ALL THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

PSC satisfies each of the five elements required for ETC designation by the Commission, set forth in the Commission's *Section 214(e)(6) Public Notice*, as shown below.

A. PSC is not Subject to the Jurisdiction of the Georgia Public Service Commission

The FCC previously recognized that a CMRS provider, like PCS, may seek designation as an ETC.¹² Section 254(e) of the Communications Act of 1934 provides that "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal service support." 47 U.S.C. §214(e). Pursuant to Section 214(e)(6) of the Act, 47 U.S.C. §214(e)(6), the Commission may, upon request, designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State Commission."

The *Section 214(e)(6) Public Notice* established that a carrier must demonstrate that it "is not subject to the jurisdiction of a state commission" as a condition to requesting ETC

¹² See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *First Report and Order*, 12 FCC Rcd 8776, 8858-59, ¶ 145 (1997) ("*Universal Service First Report and Order*"); See also, Federal-State Joint Board on Universal Service, Access Charge Reform, *Seventh Report and Order and Thirteenth Order on Reconsideration in CC Docket No. 96-45, Fourth Report and Order in CC Docket No. 96-262, and Further Notice of Proposed Rulemaking*, FCC 99-119 at ¶ 72 (rel. May 28, 1999)

designation from the FCC ¹³ In its *Twelfth Report and Order*, the FCC stated that where a carrier provides the agency with an “affirmative statement” from the state commission or a court of competent jurisdiction that the state lacks jurisdiction to perform the designation, the Commission would consider a request for ETC status filed pursuant to Section 214(e)(6) filed by that carrier ¹⁴

In response to PSC’s written inquiry, the Georgia Public Service Commission issued a letter by its Chairman, Robert B. Baker, Jr , dated August 6, 2003 (Exhibit 2 hereto) in which the Georgia Commission

affirmatively states that the State of Georgia does not exercise jurisdiction over Commercial Mobile Radio Service providers for purposes of making determinations concerning eligibility for Eligible Telecommunications Carrier designations under 47 U.S.C. Section 214(e) and 47 U.S.C. Section 54.201 *et seq*

Chairman Baker’s letter is an affirmative statement that the Georgia Commission lacks jurisdiction over CMRS applicants seeking ETC status with respect to service areas in Georgia. As stated above, Section 214(e)(6) of the Act directs the FCC to perform the ETC designation for “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission ” For purposes of designation as an ETC in Georgia, PSC’s CMRS offerings constitute telephone exchange service and exchange access ¹⁵

¹³ Section 214(e)(6) Public Notice at 22948

¹⁴ Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, *Twelfth Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 12208, 12264 (2000) (“*Twelfth Report and Order*”).

¹⁵ See *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, First Report and Order, 11 FCC Rcd 15499, 15999 (¶1013), sub. hist omitted

Because these offerings are outside the Georgia Commission's jurisdiction, the FCC is the appropriate regulatory authority to consider PSC's instant petition for ETC status

B. PSC Provides all Services Supported by the Federal High-Cost Universal Service Program

The *Section 214(e)(6) Public Notice* requires an ETC applicant to certify that it provides each of the supported services or, where appropriate, its functional equivalent.¹⁶ As shown below and in the Declaration attached as Exhibit 3 hereto, PSC satisfies the Commission's requirements that an ETC designated pursuant to Section 214(e)(6) "offer, or will be able to offer, all of the services designated for support by the Commission."¹⁷

I Voice-Grade Access to the Public Switched Network The Commission concluded that voice-grade access means the ability to make and receive phone calls, within a bandwidth of approximately 2700-Hertz within 300 to 3000 Hertz frequency range¹⁸ As a PCS and cellular service provider in Georgia, PSC provides voice-grade access to the public switched network. Through interconnection agreements with LECs, PSC is able to originate and terminate

¹⁶ *Section 214(e)(6) Public Notice* at 22948. In a recently released order, the Commission adopted the recommendation of the Federal-State Joint Board on Universal Service ("Joint Board") declining to expand the list of services supported by universal service. The Commission agreed with the Joint Board that, with the possible exception of equal access (for which the Commission deferred its decision), "no new service satisfies the statutory criteria contained in section 254(c) of the Communications Act of 1934, as amended ("Act") or should be added to the list of core services." Federal-State Joint Board on Universal Service; Order and Order On Reconsideration in CC Docket No. 96-45 (FCC 03-170), rel July 14, 2003 (¶ 1)

¹⁷ *Designation of Fort Mojave Telecommunications, Inc., et al., as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 13 FCC Rcd. 4547, 4552, ¶ 11 (CCB 1998) ("Fort Mojave"). *Fort Mojave* holds that the Commission will designate carriers as ETCs, pursuant to Section 214(e)(6), upon finding that they "offer or will be able to offer" the supported services throughout the service area.

¹⁸ *See Universal Service First Report and Order*, 12 FCC Rcd at 8810-11 (1997).

telephone service for all of its subscribers. All PSC customers are able to make and receive calls on the public switched telephone network within the specified bandwidth

2 Local Usage. PSC's service includes local usage that allows customers to originate and terminate calls within the local calling area without incurring toll charges. The service allows for unlimited local calling for a flat-rated monthly charge. PSC currently offers several service options that include varying amounts of local usage in monthly service plans. To date, the Commission has not quantified any minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue.¹⁹ Any minimum local usage requirement established by the Commission as a result of the above-mentioned proceeding will be applicable to all designated ETCs. PSC will comply with any and all minimum local usage requirements adopted by the Commission. Thus, even though the Commission has yet to adopt any specific quantity of minimum local usage, ETCs must provide for designation, PSC clearly satisfies the local usage criterion for ETC designation.

3 Functional Equivalent of Touch-Tone ("DTMF") Signaling. DTMF (dual-tone, multi-frequency) signaling is a methodology that facilitates transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the Commission permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement.²⁰ PSC currently uses out-of-band digital signaling and in-band multi-frequency signaling that is functionally equivalent to DTMF.

¹⁹ See, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998).

²⁰ 47 C.F.R. § 54.101(a)(3).

signaling²¹ PSC, therefore, meets the requirements of providing DTMF signaling or its functional equivalent

4 Single Party Service. “Single-party service” means that a subscriber loop or access line serves only one party, in contrast to a multi-party line²² The Commission concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user’s particular transmission. PSC meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.²³

5 Access to Emergency Service The ability to reach a public emergency service provider through dialing 911 is a required universal service offering. Customers can reach an emergency dispatch, or public safety answering point (“PSAP”), by dialing “911.” Upon dialing “911,” the customer’s emergency call will be routed to the appropriate PSAP.

Enhanced 911 (“E911”), which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is required only if a public emergency service provider is capable of both receiving and utilizing the ANI and ALI data, and has arranged with the wireless carrier for delivery of this data.²⁴ PSC currently provides all of its customers with access to emergency services by dialing 911. Currently, PSC is offering Phase I E911 service where PSAPs have requested such service. There are no outstanding requests for Phase II E911 service within PSC’s FCC-licensed service area in Georgia, although PSC anticipates being able to provide Phase II E911 within six months

²¹ *Universal Service First Report and Order*, 12 FCC Rcd at 8815, ¶ 71 (1997).

²² *See Universal Service First Report and Order*, 12 FCC Rcd at 8810.

²³ *Id*

²⁴ *See, id* at 8815-8817

of a valid PSAP request once it has completed the process of overlaying and ultimately replacing its existing TDMA infrastructure with GSM technology. By providing 911 service as well as E911 Phase I service where requested, and by undertaking extensive system modifications that will allow it to provide Phase II E911 service upon request, PSC meets the Commission's requirement to provide access to emergency service.²⁵

6 Access to Operator Services Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. PSC currently offers its subscribers access to operator services for the placement and billing of telephone calls, including collect calls, calling card calls, credit card calls, person-to-person calls, and third party calls, as well as obtaining related information. Moreover, PSC will make such services available throughout its designated service area. Therefore, PSC meets this requirement by providing all of its customers with access to operator services.

7 Access to Interexchange Service. An ETC providing universal service must offer consumers access to interexchange service to make and receive toll or interexchange calls.²⁶ PSC has direct interconnection agreements with one or more interexchange carriers ("IXCs"), as well as indirect connections with other IXCs. As a result, PSC meets the

²⁵ The Commission has granted ETC status to other wireless carriers notwithstanding the lack of E911 capability at the time the application was filed. *See, e.g.,* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Guam Cellular and Paging, Inc. d/b/a Guamcell Communications Petition for Designation as an Eligible Telecommunications Carrier in the Territory of Guam*, Memorandum Opinion and Order, DA 02-174, rel. Jan. 25, 2002 (designating Guam Cellular and Paging, Inc. as an ETC, even though at the time its petition was filed Guamcell provided no E911 service to its subscribers because no public emergency service provider had requested that Guamcell provide Phase I or II E911. *See* Guamcell Petition for Designation as an Eligible Telecommunications Carrier in the Territory of Guam, filed Jul. 26, 2001 at 6.)

²⁶ Equal access, however, is not presently required. *See* text at note 12, *supra*.

requirement to provide all of its customers with the ability to make and receive interexchange or toll calls through its direct interconnection arrangements with an IXC

8. Access to Directory Assistance. The ability to place a call to directory assistance is a required service offering of an ETC. PSC meets this requirement by providing all of its customers with access to information contained in directory listings by dialing "411" or "555-1212."

9. Toll Limitation for Qualifying Low-Income Customers. An ETC must offer toll restriction, which can be in the form of "toll control" or "toll blocking" services to qualifying Lifeline universal service customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under 47 C.F.R. § 54.101(a)(9).²⁷ All ETCs must provide toll blocking, which allows customers to block the completion of outgoing toll calls. Toll control allows the customer to limit the toll charges a subscriber can incur during a billing period. PSC currently has no Lifeline customers because only carriers who have been granted ETC status can provide Lifeline service. *See* 47 C.F.R. §§ 54.400 *et seq.* Once designated an ETC, PSC will participate in Lifeline as required, and will provide toll blocking capability in accordance with Commission requirements. Currently, PSC provides toll blocking services for international calls and customer selected toll calls. PSC will utilize the same toll blocking technology to provide toll limitation for qualifying low-income customers, at no charge, as part of its universal service offerings

²⁷ *See Federal-State Joint Board on Universal Service, Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72 13 FCC Rcd 5318 (1997)*

C. PSC Will Provide the Supported Services Using its Own Facilities

PSC will provide the supported services under Section 214(e)(1)(A) of the Act and Section 54.101(a) of the Commission's rules using PSC's existing PCS and cellular network infrastructure, consisting of switching, trunking, cell sites, and network equipment, together with any expansions and enhancements to that network. Should the Commission ultimately find that the geographic area in which PSC is designated an ETC includes service areas that are outside PSC's FCC-licensed service area, PSC will provide service to any requesting customers through use of commercially reasonable efforts to serve customers in such areas requesting service from PSC.

D. PSC will Advertise its Universal Service Offering

PSC will advertise the availability of its universal service offering and the corresponding charges using media of general distribution. Currently, PSC employs several advertising media to promote its PCS and cellular service offerings. PSC will use these same general distribution media, as necessary, to insure that consumers within its designated service area are fully informed of its universal service offering. Moreover, considering that ETCs receive universal service support only to the extent they serve customers, PSC will have a keen economic incentive, reinforcing its statutory obligations, to promote its universal service offering in Georgia. PSC will comply with all form and content requirements, if any, subsequently promulgated by the Commission and imposed on all designated ETCs.

E. Designating PSC as an ETC will Advance the Public Interest

PSC seeks ETC designation in areas served by its rural telephone company affiliate PSTC. Accordingly, the FCC must consider the public interest benefits attending the instant application prior to granting PSC ETC status pursuant to 47 U.S.C. §214(e)(6). Stated simply,

designating PSC as an ETC in Georgia will increase the availability of competitive service offerings in an under served market

The FCC recognized that wireless carriers bring tangible benefits to the universal service program when it held that “imposing additional burdens on wireless entrants would be particularly harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service.”²⁸ The pro-competitive effects of wireless entry in rural markets, therefore, reinforces a principal objective of the Telecommunications Act of 1996, namely “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”²⁹

In designating Western Wireless as an ETC in Wyoming, the FCC concluded that “[d]esignation of competitive ETCS promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”³⁰ In designating Guam Cellular and Paging, Inc. as an ETC in Guam, the Commission found that granting ETC status to this entity in an area served by a rural telephone company would serve the public interest “by promoting competition and the provision of new technologies to consumers in high cost and rural areas in Guam”³¹

Designating PSC an ETC in Georgia will bring to consumers the benefits of competition, including increased choices, high-quality service, and lower rates. In a competitive market, rural

²⁸ Federal-State Joint Board on Universal Service, *First Report and Order in CC Docket No. 96-45*, 12 FCC Rcd 8776, 8882-83 (1997) (“*First Report and Order*”).

²⁹ Telecommunications Act of 1996, Public Law, 104-104, 100 Stat. 56 (1996)

³⁰ *Western Wireless Corporation*, 16 FCC Rcd 48, 55 (2000) (“*Wyoming Order*”), *aff’d* FCC 01-311 (rel. Oct. 19, 2001).

³¹ *Guam Cellular and Paging, Inc.*, CC Docket No. 96-45, DA 02-174 (Com. Car Bur., rel. Jan. 25, 2002), at para. 15

consumers will be able to choose the services that best meet their communications needs. When multiple carriers offer service to a market, the consumer choice is based on service quality, availability and cost. Absent wireless entry into the market, the incumbent has little or no incentive to innovate or engage in price competition.

The public-interest standard under Section 214(e)(2) for designating ETCs in areas served by rural telephone companies emphasizes competition and consumer benefit, not incumbent protection. In considering the impact that Western Wireless's ETC designation would have on rural telephone companies, the Commission said "[W]e believe that competition may provide incentives to the incumbent to implement new operating efficiencies, lower prices, and offer better service to its customers."³² Further, Congress has mandated that universal service provisions be "competitively neutral" and "necessary to preserve and advance universal service." See 47 U.S.C. §253(b). Designating PSC an ETC will give advanced telecommunications options to those living in rural Georgia.

PSC commits to use the available federal high-cost support for its intended purposes---the construction, maintenance and upgrading of facilities serving the rural areas for which support is intended. Absent high-cost universal service support to promote competition, PSC believes that there would be no economic justification for deploying the robust wireless network required to compete with incumbent wireline carriers in rural areas. For wireless communications service to constitute a viable substitute to traditional wireline service in most rural areas, high cost support must be available to support the necessary investment. Indeed, without the high-cost loop program, the availability of wireline telephone service in many rural

³² *Wyoming Order*, 16 FCC Rcd at 57.

areas would, even today, be in doubt. Provision of high-cost support to PSC will make available for the first time a viable competitor for primary telephone service in rural Georgia.

V. HIGH COST CERTIFICATIONS

Under Sections 54.313 and 54.314 of the Commission's Rules, carriers seeking high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, must self-certify with the FCC and the Universal Service Administrative Company ("USAC") their compliance with Section 254(e) of the Act. As previously explained, the Georgia Public Service Commission has declined jurisdiction over CMRS carriers like PSC. Therefore, in accordance with Sections 54.313 and 54.314, PSC will submit, either simultaneously with the filing of the instant petition or shortly thereafter, its high-cost certifications with the Commission and with the USAC.

VI. ANTI-DRUG ABUSE CERTIFICATION

PSC certifies that no party to this Petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 862³³

³³ 21 U.S.C. § 862. See Exhibit 4 hereto

VII. CONCLUSION

For the foregoing reasons, the Commission should designate PSC as an ETC for its requested designated service territories in Georgia.

Respectfully submitted,

PUBLIC SERVICE CELLULAR, INC.

By: _____



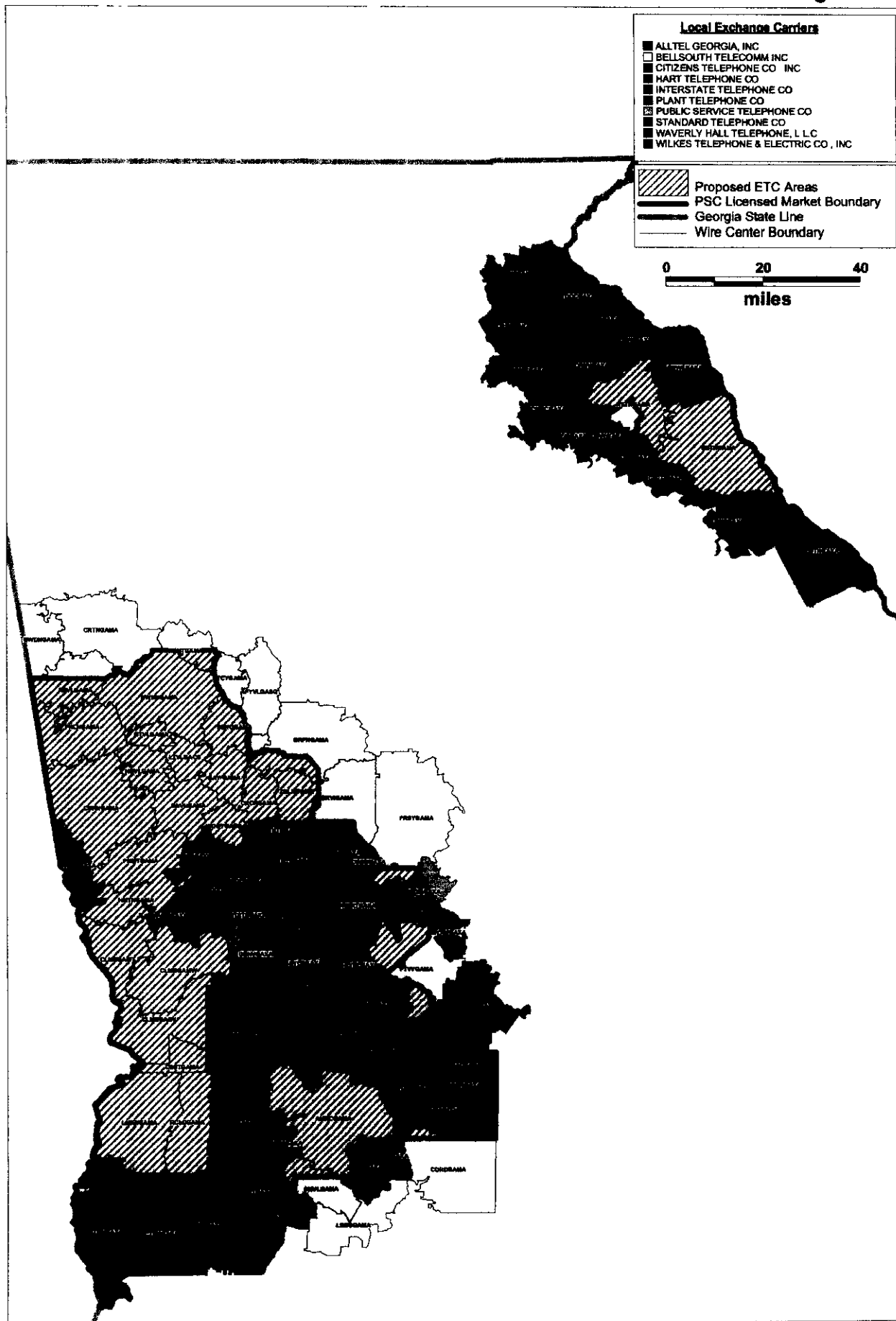
Michael K. Kurtis

Jerome K. Blask

Kurtis & Associates, P.C.
1000 Potomac Avenue, N.W.
Suite 200
Washington, D.C. 20007

Its Attorneys

Dated: September 23, 2003



September 4, 2003

©2003 Kurtis & Associates, P.C.
 Suite 200
 1000 Potomac Street, N.W.
 Washington, D.C. 20007
 (202) 326 - 4600

List of Wire Centers For Which ETC Designation is Requested

Exhibit 1
Page 2 of 2

Company Name	Wire Center	CLLI Code	Partial*
ALLTEL GEORGIA COMMUNICATION CORP	BUENA VISTA	BNVSGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	BYROMVILLE	BYVLGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	CARNESVILLE	CRNVGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	EASTANOLLEE	ENLLGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	ELLAVILLE	ELVLGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	FORT GAINES	FTGNGAXA	X
ALLTEL GEORGIA COMMUNICATION CORP	IDEAL	IDELGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	LAVONIA	LAVNGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	MANCHESTER	MNCHGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	MARSHALLVILLE	MRVLGAXA	X
ALLTEL GEORGIA COMMUNICATION CORP.	MONTEZUMA	MTZMGAXA	
ALLTEL GEORGIA COMMUNICATION CORP.	PRESTON	PSTNGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	TOCCOA	TOCCGAXA	X
ALLTEL GEORGIA COMMUNICATION CORP	UNADILLA	UNADGAXA	X
ALLTEL GEORGIA COMMUNICATION CORP	WARM SPRINGS	WRSPGAXA	
ALLTEL GEORGIA COMMUNICATION CORP	WOODLAND	WDLGAXA	
ALLTEL GEORGIA, INC	BYRON	BYRNGAXA	X
ALLTEL GEORGIA, INC	CARLTON	CRTGAXA	X
ALLTEL GEORGIA, INC	COMMERCE	CMRCGAXA	X
ALLTEL GEORGIA, INC	HOMER	HOMRGAXA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AMERICUS	AMRCGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ATLANTA SOUTH	GRFNGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ATLANTA SOUTH	PLMTGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	BARNESVILLE	BRVIGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	COLUMBUS	CLMBGABV	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	COLUMBUS	CLMBGAMT	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	COLUMBUS	CLMBGAMW	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CONCORD	CNCRGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CORDELE	CORDGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	CUSSETA	CSSTGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ELBERTON	EBTNGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	FORSYTH	FRSYGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	FORT VALLEY	FTVYGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	FRANKLIN	FKLNGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GAY	GAY GAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GRANTVILLE	GTVLGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	GREENVILLE	GNVLGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HAMILTON	HMTNGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	HOGANSVILLE	HGVLGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LAGRANGE	LGRNGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LUMPKIN	LMKNGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	LUTHERSVILLE	LTVLGACS	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	NEWMAN	NWNGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	PINE MOUNTAIN	PNMTGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	RICHLAND	RCLDGAMA	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ROOPVILLE	RPVLGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ROYSTON	RYTNGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SENOIA	SENOGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	SMITHVILLE	SMVLGAMA	X
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	WOODBURY	WDBYGAE	
BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	ZEBULON	ZBLNGAMA	
GEORGIA ALLTEL TELECOMM, INC	THOMASTON	THTNGAXA	
GEORGIA ALLTEL TELECOMM, INC	THOMASTON	THTNGAXB	
GEORGIA ALLTEL TELECOMM, INC	YATESVILLE	YTVLGAXA	X
PUBLIC SERVICE TELEPHONE CO	BUTLER	BTLRGAXA	
PUBLIC SERVICE TELEPHONE CO	CULLODEN	CUDNGAXA	X
PUBLIC SERVICE TELEPHONE CO	GENEVA	GENVGAXA	
PUBLIC SERVICE TELEPHONE CO	LIZELLA	LZLLGAXA	X
PUBLIC SERVICE TELEPHONE CO	REYNOLDS	RYNLGAXA	
PUBLIC SERVICE TELEPHONE CO	ROBERTA	RBRTGAXA	
PUBLIC SERVICE TELEPHONE CO.	TALBOTTON	TLTNGAXA	

* The "X" marking indicates that PSC is licensed to serve a portion, but not all, of the wire center PSC is requesting ETC status for partially served wire centers

H. DOUG EVERETT
ANGELA E. SPEIR
STAN WISE

(404) 886-4501
(800) 382-5519



RECEIVED

AUG 14 2003

EXECUTIVE SECRETARY
G.P.S.C.

DEBORAH K. PLANNAGAN
EXECUTIVE DIRECTOR

KEECE WALISTER
EXECUTIVE SECRETARY

Georgia Public Service Commission

244 WASHINGTON STREET
ATLANTA, GEORGIA 30333

DOCKET # 9

FAX: (404) 886-4541
www.gpsc.state.ga.us

August 6, 2003

DOCUMENT # 65995

To Whom It May Concern:

In response to a letter filed on August 1, 2003 by legal counsel for Public Service Cellular, Inc., the Georgia Public Service Commission hereby affirmatively states that the State of Georgia does not exercise jurisdiction over Commercial Mobile Radio Service providers for purposes of making determinations concerning eligibility for Eligible Telecommunications Carrier designations under 47 U.S.C. Section 214(e) and 47 C.F.R. Section 54.201 *et seq.*

In particular, the Georgia Public Service Commission affirms that Public Service Cellular, Inc. is not subject to jurisdiction of the State of Georgia for purposes of the foregoing determination.

Sincerely,

Robert B. Baker, Jr., Chairman
Georgia Public Service Commission

cc: David L. Burgess, Commissioner, GPSC
H. Doug Everett, Commissioner, GPSC
Angela E. Speir, Commissioner, GPSC
Stan Wise, Commissioner, GPSC
Tom Bond, Director Utilities Division, GPSC
Leon Bowles, Director Telecommunications, GPSC

Kristy Holley, CUC

Terri M. Lyndall
Smith, Galloway, Lyndall & Fuchs, LLP
Attorneys for Public Service Cellular, Inc.
Six Piedmont Center, Suite 303
3525 Piedmont Road, N.E.
Atlanta, Georgia 30305

Declaration of Donald E. Bond

I, Donald E. Bond, do hereby declare under penalty of perjury that:

1. I am President of Public Service Cellular, Inc. ("PSC"),
2. This Declaration is submitted in support of PSC's foregoing Petition for Designation as an Eligible Telecommunications Carrier in the State of Georgia ("Petition"),
- 3 I have reviewed the Petition and the facts stated therein, of which I have personal knowledge, are true and correct to the best of my knowledge;
- 4 PSC provides analog and TDMA-based CMRS wireless service in Georgia pursuant to its cellular and PCS licenses for the following markets: Columbus, GA/AL MSA; Georgia RSAs 5, 6 and 9; and the Columbus, GA and the Anderson, SC BTAs. As stated in the Petition, PSC meets the criteria for ETC designation in its FCC-licensed service areas;
- 4A I hereby certify that, as described in the Petition, PSC is not subject to the jurisdiction of the Georgia Public Service Commission;
- 4B PSC currently offers and is able to provide, within its designated service area, the services and functionalities identified in 47 C.F.R. §54.101(a) listed below and fully described in the Petition
 - a Voice-grade access to the public switched telephone network;
 - b Local Usage,
 - c Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
 - d Single-party service or its functional equivalent,
 - e. Access to emergency services,
 - f Access to operator services,
 - g Access to interexchange service,
 - h. Access to directory assistance, and
 - i Toll limitation for qualifying low-income consumers;

Exhibit 3

Page 2 of 2

5. PSC will provide the supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services;
6. PSC advertises, or will advertise, the availability of supported services and the corresponding charges using media of general distribution, as described in the Petition;
7. To the best of my knowledge, neither PSC, nor its officers, directors, or persons holding 5% or more of PSC's outstanding stock or shares (voting and/or nonvoting), as specified in Section 1.2002(b) of the Commission's Rules, are subject to a denial of federal benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862; and
8. The foregoing is true, complete and correct to the best of my knowledge, information and belief.



Donald E. Bond

Dated: September 10, 2003

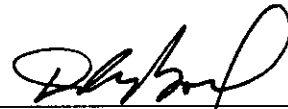
Exhibit 4

Anti-Drug Abuse Declaration

I, Donald E. Bond, do hereby declare under penalty of perjury that:

1. I am President of Public Service Cellular, Inc. ("PSC");
2. To the best of my knowledge, neither PSC nor its officers, directors, or persons holding 5% or more of PSC's outstanding stock or shares (voting and/or nonvoting), as specified in Section 1.2002(b) of the Commission's Rules, are subject to a denial of federal benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862; and
3. The foregoing is true, complete and correct to the best of my knowledge, information and belief.

Executed on this 10 day of September, 2003



Donald E. Bond
President

CERTIFICATE OF SERVICE


I, Ruth E Garavalia, a secretary with the law offices of Kurtis & Associates, P.C., do hereby certify that I have this 23rd day of September, 2003, had copies of the foregoing PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF GEORGIA sent via Overnight UPS Delivery to the following:

Ms Marlene Dortch, Secretary*
Federal Communications Commission
445 12th Street, S.W
Washington, D C 20554

Qualex International*
Portals II
445 12th Street, S.W.
Washington, D.C. 20554

Sheryl Todd*
Wireline Competition Bureau
Telecommunications Access Policy Division
Federal Communications Commission
445 12th Street, S.W.
Room 5B 540
Washington, D.C 20554

Reece McAlister, Executive Secretary
Georgia Public Service Commission
244 Washington Street
Atlanta, Georgia 38334



Ruth E. Garavalia

*c/o Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743